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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSE ISRAEL POZOS BRAVO,

Defendant and Appellant.

A123181

(Sonoma County
Super. Ct. No. SCR497769)

Jose Israel Pozos Bravo appeals from a judgment and sentence following his no contest plea. His court-appointed counsel has filed a brief seeking our independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436 to determine whether there are any arguable issues on appeal. We find no such issues and affirm.

Background

The Offense

In October 2006, members of the Sonoma County Narcotic Task Force conducted an investigation into sales of cocaine by a Hispanic male adult known as Amadeo Lopez.¹ “Amadeo Lopez” was later determined to be an alias used by defendant. A confidential reliable informant identified defendant in a Department of Motor Vehicles photo and later purchased suspected cocaine from him.

¹ This factual summary is derived from the statement of probable cause in support of the search warrant and the presentencing report.

Detectives Michael Crean and A. Mancilla met with the informant and prepared for the narcotics purchase from defendant. The informant was equipped with an electronic device to monitor the deal, given recorded county funds and instructed to contact defendant. Defendant agreed to meet with the informant. Detectives Crean and Mancilla followed the informant to the agreed location, and observed defendant hand the informant an amount of suspected cocaine in exchange for county funds. The substance was later tested and identified as cocaine in a presumptive test.

Defendant left the scene in a light-colored Nissan minivan with California license plate number 5JEV296. The informant later drove Detective Crean past 2004 Lazzini Avenue in Santa Rosa, which he said was defendant's residence. A silver 1998 Nissan minivan, license number 5JEV296, was parked in the driveway. Detective Crean learned that a search of the same address during a prior narcotics investigation had resulted in the seizure of a controlled substance and the arrest of suspects for the transportation and sales of a controlled substance.

Officers obtained a search warrant and served it on the Lazzini Avenue residence. Defendant was found in a locked bedroom with \$2,110 in his wallet. A search of the bedroom revealed indicia in defendant's name, possible pay/owe sheets, and a nine millimeter semi-automatic handgun with ammunition. A pound of marijuana was found in a shoe box in the garage, and \$20,000 was found in a cereal box on the kitchen table.

Officers searched the parked Nissan minivan. A hidden compartment in the passenger area contained 2,080 grams of cocaine packaged in 11 separate packets, 447.76 grams of the crystalline form of methamphetamine, and \$16,500.

Defendant denied knowledge of the controlled substances, although he acknowledged that he bought the van a month earlier and had been in control of it ever since.

The Legal Proceedings

Defendant was charged with possession of cocaine for sale (count I); possession of methamphetamine for sale (count II); and possession and use of a false compartment with the intent to smuggle and transport a controlled substance (count III). It was further alleged as to counts I and II that defendant was personally armed with a firearm; that the substance charged in count I exceeded one kilogram, that it contained 28.5 grams and more of cocaine; and that it contained 57 grams and more of a substance containing cocaine. Defendant pleaded not guilty to all counts and denied the special allegations.

Defendant filed a motion to compel discovery of items pertaining to the investigation and arrest; a motion to disclose the identity of the confidential informant; and a motion for disclosure of documents and other information relating to the confidential informant and seeking that the informant be produced for an in camera examination. The court denied all three motions. This court subsequently denied defendant's related petition for writ of mandate and stay of proceedings.

Defendant moved to suppress all evidence seized during the search of his residence and vehicle, and subsequently filed a renewed motion to compel discovery regarding the probable cause supporting issuance of the search warrant. The court denied both of these motions.

Defendant moved to dismiss the case on the ground that the People destroyed possible exculpatory evidence. The court denied this motion, as well as defendant's subsequent motion to reconsider that ruling.

Defendant withdrew his not guilty plea and entered pleas of no contest to all three counts pursuant to a negotiated disposition, with an indicated sentence of six years in state prison. He was sentenced to the midterm of three years in prison for count I and a three-year consecutive sentence for the enhancement for possession of over one kilogram of cocaine. The court also imposed two concurrent two-year terms for counts II and III and struck the arming enhancement for the purpose of sentencing, for a total aggregate

prison term of six years. Defendant filed a timely notice of appeal based on the denial of his motion to suppress evidence.

DISCUSSION

Defendant's counsel has represented that he advised defendant of his intention to file a *Wende* brief in this case and of defendant's right to submit supplemental written argument on his own behalf. Defendant has not done so. Defendant has also been advised of his right to request that counsel be relieved. This court has reviewed the entire record on appeal. No issue requires further briefing.

DISPOSITION

The judgment is affirmed.

Siggins, J.

We concur:

Pollak, Acting P.J.

Jenkins, J.